

## Environmental & Enhancement Group: Historic Preservation Team

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# What We Do and Why We're Here

- ✦ Over 30 Federal and State Laws apply to the treatment of historic properties.
- ✦ Federal projects must comply with the National Historic Preservation Act of 1966 (16 USC 470). AKA "Section 106"
- ✦ Projects done with ADOT (State) funds must comply with ARS §41-864
- ✦ The laws allow for Section 106 to be done in conjunction with the NEPA Process
- ✦ Compliance for Federal and State laws are done very similarly.
- ✦ A project that is exempt from NEPA may not be exempt from Section 106 or State Act compliance.



# Schedule

- ✦ Involving the HPT specialist in the scheduling process allows for more accurate schedule estimates.
- ✦ Additional survey may be needed for new ROW or temporary construction easements (TCEs); identifying these early keeps the project running smoothly.
- ✦ Schedules for historic preservation compliance depend on numerous variables. Schedules will be project-specific.



# Information needed for consultation

- ✦ A description of the undertaking (project)
- ✦ The area of potential effect (APE)
- ✦ Land jurisdiction
- ✦ Consulting parties
- ✦ List of all previous reports identifying historic properties within the APE.
- ✦ Identification of all historic properties within the APE, along with their National Register significance.
- ✦ Recommendation of the effect of the project on historic properties.
- ✦ Attachments: new cultural resources surveys, concurrences for adequacy of previous reports, map of project APE, avoidance commitments from Project Manager.

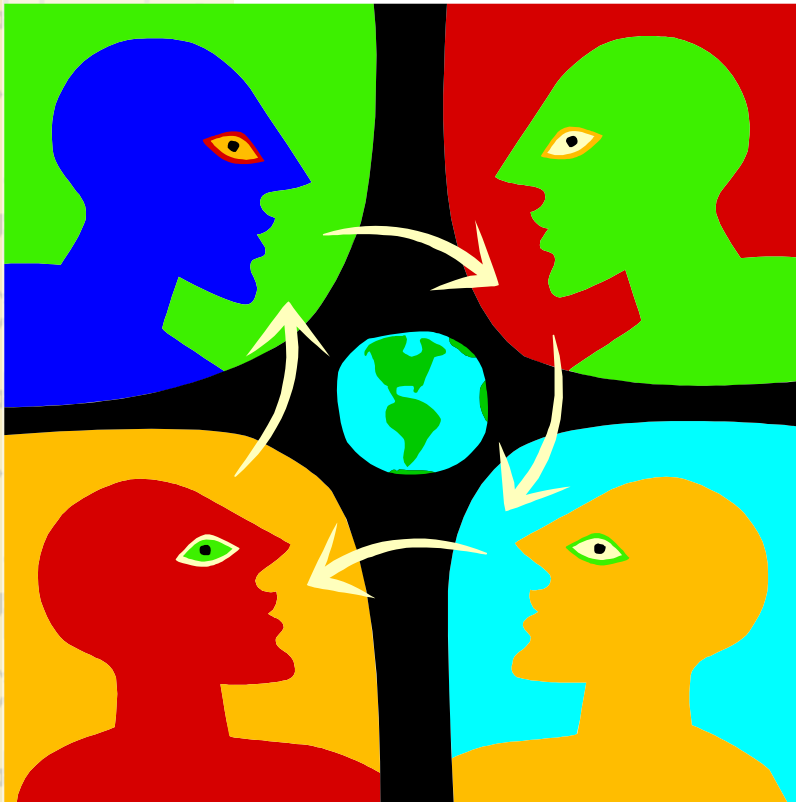


# Effect Determinations

- ✦ Effect determinations are made by the Federal Agency.
- ✦ “No Potential to Affect”
- ✦ “No Historic Properties Affected”
- ✦ “No Adverse Effect”
- ✦ “Adverse Effect”



# Consultation



- ✦ Consultation involves communication between agencies regarding the project and its effect on historic properties.
- ✦ Consultation is done with SHPO, land managing agencies, and Native American Tribes, when appropriate.
- ✦ Under the current Programmatic Agreement, ADOT can consult on behalf of FHWA.



# HPT & The Environmental Document

- ✦ The Cultural Resources Section of the Environmental Document can be completed when:
  - Consultation is complete
  - An agreement is in place that binds the consulting parties to completing the consultation process (MOA or PA).

- ✦ The Environmental Document documents the compliance with the state and federal laws regarding historic properties.



# ● When Historic Properties Can't be Avoided: The "Adverse Effect"

- ✦ If "data recovery" is required, additional agreements may need to be negotiated between the consulting parties.
- ✦ Data Recovery Plans need to be reviewed by consulting parties prior to implementation.
- ✦ Reports need to be reviewed and found adequate prior to construction activities.
- ✦ Archaeological excavation is not the only way to mitigate an "adverse effect"





# Is it over?

- ✦ HPT's process may not end with the completion of the Environmental Document.
- ✦ Consultation may end by concurrence with the effect determination by consulting parties.
- ✦ Consultation may be required until project designs are complete, depending on the project.
- ✦ The agency determines when consultation is over, and will notify the NEPA Planner when it is complete.

✦ Consultation may need to be re-started because of changes in the scope of the project.



# Tracking your project's process

- ✦ Working closely with your HP Specialist keeps the project from getting off-track.
- ✦ Be sure to inform HPT if there are any changes to a project scope, since such changes could necessitate re-initiating consultation.
- ✦ The more changes that are made to project designs after the effect determination is made, the longer the process can take.



# HPT Process: Review



- ✦ Consultation is project-specific. HPT requires specific information in order to consult.
- ✦ Changes in scope may require the process to be re-started.
- ✦ Good communication with your NEPA Planner and HP Specialist will keep the process moving smoothly.



# Resources

## YOUR BEST RESOURCE IS YOUR HPT SPECIALIST

- ✦ The HPT Handbook includes information on process, as well as links to laws, regulations, and procedures.

<http://www.azdot.gov/Highways/EEG/documents/culturalresources.asp>

